

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES,

Plaintiff,

V.

TIMOTHY SHELLY,

Defendant.

NO. CR-09-089-RHW

ORDER DENYING REQUEST FOR BAIL; CONTINUING TRIAL; SETTING PRETRIAL CONFERENCE

On August 25, 2009, Magistrate Judge Imbrogno granted the Government's Motion for Detention. She denied Defendant's Motion for Reconsideration on August 31, 2009. Defendant appealed these rulings.

On October 7, 2009, the Court held a pretrial conference and heard testimony and argument on Defendant's appeal, in Spokane, Washington. Defendant was present and represented by Amy Rubin. The Government was represented by Stephanie Lister. This order memorializes the Court's oral ruling.

At the hearing, the Court concluded that Defendant had not overcome the presumption that no condition or combination of conditions will reasonably assure the safety of the community, and denied his request for bail.

Defendant orally moved for a continuance. The Government did not object. The Court directed the Government to notify the victim to determine whether she had any objection to the continuance of the trial. Later that day, the Government filed a notice indicating that it did so, and that the victim has no objection to a

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continuance of the trial until February 22, 2010 (Ct. Rec. 39).

Accordingly, IT IS HEREBY ORDERED:

1. The jury trial set for October 26, 2009 is **stricken**. A new jury trial is set for **February 22, 2010**, in Spokane, Washington. Counsel shall meet in chambers at 8:30 a.m. Jury selection shall begin at 9:00 a.m.

2. A pretrial conference is set for **February 3, 2010**, at 9:30 a.m., in Spokane, Washington.

3. All pretrial motions shall be filed on or before **January 6, 2010**.

4. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time between October 26, 2009, the current trial date, until February 22, 2010, the new trial date, is **declared excludable** for purposes of the Speedy Trial Act. The Court finds that the continuance is necessary to allow Defendant time to fully investigate and prepare for trial. Defendant's interest in this investigation and preparation outweighs the interest of the public and Defendant in a speedy trial.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and forward copies to counsel.

DATED this 13th day of October, 2009.

s/Robert H. Whaley

ROBERT H. WHALEY
United States District Court

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